

DEFENDANTS' RELEVANCE OBJECTIONS FRE 401/402**A. Defendants' Relevance Objections to Plaintiffs' Direct Testimony Declarations**

Declaration or Affidavit	Date	Description	ECF, Dkt., and Page No.	Paragraph(s)
David M. Talla	11/21/2018	Declaration in support of plaintiffs' motion for a preliminary injunction	62 Page 201	Paragraphs 10-14, 19, 20, 22, 33, 34
David M. Talla	9/16/2022	Declaration in support of club plaintiffs' motions for partial summary judgment	157	Insofar as this Declaration relies on prior declarations, Defendants object for the same reasons as set forth in their objections to those prior declarations.
Keith Warech	11/21/2018	Declaration in support of plaintiffs' motion for a preliminary injunction	62 Page 222	Paragraphs 6, 7
Keith Warech	9/16/2022	Declaration in support of club plaintiffs' motions for partial summary judgment	171 Case No. 04431	Insofar as this Declaration relies on prior declarations, Defendants object for the same reasons as set forth in their objections to those prior declarations.
Anthony Capeci	11/21/18	Declaration in support of plaintiffs' motion for a preliminary injunction	62 Page 236	Paragraphs 8-13
Barry Lipsitz	11/21/2018	Declaration in support of plaintiffs' motion for a preliminary injunction	62 Page 239	Paragraphs 7-14, 19-28, 32

Barry Lipsitz	9/23/22	Declaration in support of plaintiffs' motions for partial summary judgment	138	Insofar as this Declaration relies on prior declarations, Defendants object for the same reasons as set forth in their objections to those prior declarations.
Anthony D'Amico	11/21/2018	Declaration in support of plaintiffs' motion for a preliminary injunction	62 Page 257	Paragraphs 6-12, 16
Anthony D'Amico	9/23/22	Declaration in support of plaintiffs' motions for partial summary judgment	139	Insofar as this Declaration relies on prior declarations, Defendants object for the same reasons as set forth in their objections to those prior declarations.
Maurice Kavanagh	11/21/2018	Declaration in support of plaintiffs' motion for a preliminary injunction	62 Page 271	Paragraphs 7-15, 19
Daniel J. Zazzali	11/21/18	Declaration in support of plaintiffs' motion for a preliminary injunction	72 Page 63	Paragraphs 19-23, 25, 28, 29, 35-36, 50-57, 67, 73
Daniel J. Zazzali	9/12/22	Declaration in support of plaintiffs' motions for partial summary judgment	132 Case No. 03732	Paragraphs 8, 9
Daniel Knecht	11/21/18	Declaration in support of plaintiffs' motion for a preliminary injunction	72 Page 90	Paragraphs 3, 5, 15
Daniel Knecht	9/16/22	Declaration in support of plaintiffs' motions	133 Case No. 03732	Insofar as this Declaration relies on prior declarations, Defendants object for the same reasons as set forth in

		for partial summary judgment		their objections to those prior declarations.
Yitzik Shachaf	11/21/18	Declaration in support of plaintiffs' motion for a preliminary injunction	72 Page 109	Paragraphs 3-5, 13, 15
Dr. Lance Freeman	11/21/2018	Affidavit of Dr. Lance Freeman	62 Page 186	Entire Declaration
Dr. Hugh Kelly	11/28/21018	Declaration of Hugh Kelly, PhD, CRE In Support of Plaintiffs' Motion for Preliminary Injunction	62 Page 135	Entire Declaration
Dr. Elliot Sclar	11/21/2018	Declaration of Dr. Elliot Sclar in support of plaintiffs' motion for preliminary injunction	71 Page 22	Paragraphs 77-115
Dr. Elliot Sclar	3/15/2019	Reply declaration of Dr. Elliot Sclar in support of plaintiffs' motion for preliminary injunction	100 Page 25	Entire Declaration
Michael Berzak	11/21/18	Declaration of Michael Berzak regarding adult business sites in support of plaintiff's motion for preliminary injunction.	59 Page 21	Paragraphs 5, 6, 24-32, 35-38, 40
Michael Berzak	1/2/2019	Supplemental and correcting declaration of Michael Berzak regarding adult	80	Entire Declaration

		business sites in support of plaintiffs' motions for preliminary injunctions		
Michael Berzak	11/21/18	Declaration of Michael Berzak in support of permitting issues presented in plaintiffs' motion for preliminary injunction	62 Page 79	Paragraphs 8 – 9(b), 18, 22-23, 27-31, 36, 39-45 47-49
Michael Berzak	3/15/19	Reply declaration of Michael Berzak re permitting issues presented in plaintiffs' motion for a preliminary injunction	97 Page 101	Paragraph 6
Michael Berzak	3/15/19	Reply declaration of Michael Berzak re sites issues presented in plaintiffs' motion for preliminary injunction	98, 99 + 100	Paragraphs 1-13
Michael Berzak	9/16/22	Declaration in support of motion for partial summary judgment	156	Entire declaration
Michael Berzak	5/19/23	Trial Declaration and supplemental declaration in support of motion for partial summary judgment	190	Entire declaration

B. Defendants' Relevance Objections to Plaintiffs' Exhibits

Exhibit No.	Description	JNR Volume No.	JNR Page No.	ECF, Dkt., and Page No.
61	Moss and Quing, "The Dynamic Population of Manhattan", Rudin Center for Transportation Policy and Management of the New York University Wagner School of Public Service (2012) (https://wagner.nyu.edu/files/faculty/publications/dynamic_pop_manhattan.pdf)	9	1361-1385	147-9 Page 10
62	Linz and Paul, "Measuring the Secondary Effects of 60/40 Businesses in New York City: A Study of Calls For Service to the Police", including Figures and Tables (2005) (Exhibits 6 and 6A admitted into evidence at evidentiary hearing held on February 23 through March 2, 2009 in <i>Ten's Cabaret, Inc. v. City of New York</i> , Supreme Court, New York County, Index No. 121197 /2002	9	1386-1436	147-9 Page 35
63	Freeman, "Examining The Relationship Between Businesses That Comply With the '60/40' Zoning Regulations and Surrounding Property Values in New York City" (2008) (Exhibit 8 admitted in evidence at evidentiary hearing held on February 23 through March 2, 2009 in <i>Ten's Cabaret, Inc. v. City of New York</i> , Supreme Court, New York County, Index No. 121197 /2002	9	1437-1471	147-9 Page 86
64	Focus Probe, Inc., "Perceived Differences Between Adult Entertainment Clubs With 'Subdued Facades' vs. 'Loud Facades', with photographs (Exhibits 12, 12A, 12B and 12C admitted in evidence at evidentiary hearing held on February 23 through March 2, 2009, in <i>Ten's Cabaret, Inc. v. City of New York</i> , Supreme Court, New York County, Index No. 121197 /2002)	9	1472-1495	147-9 Page 121
65	Charles V. Bagli, "Going Out With a Building Boom, Mayor Pushes Billions in Projects", N.Y. Times, Dec. 15, 2013 (https://nyti.ms/1hVKOOQ)	9	1496-1500	147-9 Page 143

66	Ford Fessenden, "The Bloomberg Years: Reshaping New York", N.Y. Times, Aug. 18, 2013 (interactive feature) (http://www.nytimes.com/newsgraphics/2013/08/18/reshaping-new-york/index.html)	9	1501	147-9 Page 148
67	Jonathan Lemire, "Michael Bloomberg's NYC Mayoralty Comes to an End", Associated Press, Jan. 1, 2014 (https://www.dailyfreeman.com/news/michael-bloomberg-s-nyc-mayoralty-comes-to-an-end/article901c8f2f-labd-5150-b23d-9fc9674265b3.html)	9	1502-1503	147-9 Page 149
68	James Dao, "The 1993 Elections: Staten Island; Secession is Approved; Next Move is Albany's", N.Y. Times, Nov. 3, 1993 (https://www.nytimes.com/1993/11/03/nyregion/the1993-elections-staten-island-secession-is-approvednext-move-is-albany-s.html)	9	1504-1506	147-9 Page 151
74	2019 Times Square Alliance Chart entitled "Annual Crime in Times Square"	10	1595	147-10 Page 87
A	Exhibit A to David M. Talla Declaration ¹			62 Page 214

¹ Exhibit A to the David M. Talla Declaration is identical to the "Exhibit A" attached to the declarations of Keith Warech, Barry Lipsitz, Anthony D'Amico, and Maurice Kavanagh. Defendants assert the same objections to this Exhibit each time it is used.

C. Defendants' Relevance Objections to Stipulated Facts

Defendants object to the following paragraphs from the Parties' Consolidated Statement of Facts filed May 19, 2023 ([ECF 216-1 of Docket 02-CV-4431](#)):

36
58 (f), (l), (n)
143-144
145 (b)-(i)
146-158
185-186
200
203-206